

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2178.05
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	September 27, 2004
DATE OF REPORT:	October 27, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	December 14, 2004

COMPLAINT ISSUES:

Whether the Gary Community School Corporation violated:

511 IAC 7-27-5(c) by failing to provide the Complainant with a copy of the written report of the case conference committee (CCC) meeting including the individualized education program (IEP) developed at the CCC meeting at the end of the 2003-2004 school year.

511 IAC 7-21-3 by failing to follow the calendar of the school corporation, specifically by advising or recommending that the Student remain at home on the days that the statewide assessment was administered.

511 IAC 7-26-2(d) by failing to provide, specialized in-service training in autism spectrum disorder to the Student's special education teacher.

511 IAC 7-27-7(a) by failing to implement the Student's IEP as written, specifically by assigning the Student to an intermediate class instead of a primary class.

511 IAC 7-21-7 by failing to provide transportation for the Student, specifically by leaving the Student unattended in the school parking lot without supervision of an aide.

511 IAC 7-23-1(p) by disclosing personally identifiable information about students with disabilities to parents of other students, without consent of the parent of the student about whom information was disclosed.

FINDINGS OF FACT:

1. The Student has been identified as having autism spectrum disorder, a mild mental disability, and a communication disorder and determined eligible for special education and related services.
2. The Complainant alleges a CCC meeting took place some time in May of 2004 and did not receive the written report and IEP. The School has no record of a CCC meeting that took place at such time. However, it is undisputed that a CCC did convene on March 25, 2004, and the School acknowledges that the Complainant did not receive a copy of the CCC written report and IEP.
3. The Complainant alleges the Student's special education teacher told her to keep the Student at home for three days, September 27, 28, and 29, 2004, while the statewide assessment was being administered to other students. The School states the teacher denies ever making such a statement.

The Student's attendance record indicates he was absent from school on September 28 and 29, 2004, and these absences were recorded as excused absences.

4. The School has failed to provide documentation of the teacher's attendance at specialized in-service training in the area of autism spectrum disorder.
5. The Student's IEP, dated March 25, 2004, states the Student is to be in a full-time elementary program for students with mild to moderate mental disabilities. The Student is in the first grade and is in a primary classroom. The Student's special education teacher is licensed to teach students with mental disabilities in all grade levels.
6. The Student did not arrive home on the bus at the regularly scheduled time on September 13, 2004. The Complainant alleges the Student was not put on the bus and was left stranded in the school parking lot unattended. The School reports the Student did in fact get on the bus but was returned back to school upon discovery that no adult was at home. The School further reports the Student was then kept in the school office until the parent or some other relative could be reached. However, the School has failed to provide documentation that would indicate exactly what did take place.
7. The Complainant alleges that the Student's special education teacher, on or about September 16, 2004, while the Complainant visited the Student's classroom, "denigrated" several of the students in the class and shared "unprofessional comments" with the Complainant. However, the Complainant acknowledges that personally identifiable information about students was not divulged.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School failed to provide the Complainant with a copy of the written report of the CCC meeting including the Student's IEP developed at the CCC meeting on March 25, 2004. Therefore, a violation of 511 IAC 7-27-5(c) is found.
2. Finding of Fact #3 indicates that the School followed the school calendar. Therefore, a violation of 511 IAC 7-21-3 is not found.
3. Finding of Fact #4 indicates that the School failed to show that the Student's special education teacher received specialized in-service training in autism. Therefore, a violation of 511 IAC 7-26-2(d) is found.
4. Finding of Fact #5 indicates that the Student's special education teacher is appropriately licensed to teach primary students and the Student is in the full-time elementary program per the IEP. Therefore, a violation of 511 IAC 7-27-7(a) is not found.
5. Finding of Fact #6 indicates that the School has failed to provide documentation to support its explanation for why the School did not provide the Student's transportation to home on September 13, 2004. Therefore, a violation of 511 IAC 7-21-7 is found.
6. Finding of Fact #7 indicates that personally identifiable information about students was not disclosed on or about September 16, 2004. Therefore, a violation of 511 IAC 7-23-1(p) is not found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Gary Community School Corporation shall:

1. Submit a written memorandum specifically addressing the requirements of 511 IAC 7-27-5(c) to all relevant school personnel. A copy of the written memorandum and a list of all who receive it shall be sent to the Division no later than December 3, 2004.
2. Submit documentation to the Division indicating a copy of the written report of the case conference committee meeting and IEP from March 25, 2004 have been sent and received by the Complainant no later than December 3, 2004.
3. Provide training to the Student's special education teacher in the area of autism spectrum disorder. Submit to the Division documentation showing when the training was provided, how it was provided, and by whom no later than December 3, 2004.
4. Develop procedures and forms to use for the documentation of all transportation incidents. A copy of the procedures and forms, together with a list of all school personnel who receive them, shall be submitted to the Division no later than December 3, 2004.